

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
AUGUST 17, 2000**

PRESENT: Karen Robinson, Patricia Schulz, Robert Mulder, David Egan (arrived at 10:02 a.m.), Roxann Miller Sobek, Jerry Schallock, Robert Kessler

ABSENT: Omar Barberena, Anthony Oberbrunner

STAFF PRESENT: Cletus Hansen (by teleconference), Ruby Jefferson-Moore, Legal Counsel; Roxanne Peterson, Becky Fry; Division of Enforcement staff were present for a portion of the meeting

CALL TO ORDER

The meeting was called to order at 9:42 a.m. by Karen Robinson, Chair. A quorum of seven voting members was present.

The Board welcomed Dr. Robert Kessler as the new physician Board member.

AGENDA

By consensus the agenda was adopted as published.

MINUTES (6/15/00)

MOTION: Robert Mulder moved, seconded by Roxann Sobek Miller, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings informed the Board that the Board Member Workshop was well attended and informative. She also informed the Board that workshop binders were available for anyone who had not received one at the workshop.

Roxann Miller Sobek stated she enjoyed the workshop and it was a great learning experience. She commented that the break-out session relating to enforcement was very informative.

Secretary Cummings stated her concern over the understaffing of nursing homes and questioned the use of a team structure to deal with the issue of single-task workers.

Bureau Director's Report

- **Board Roster**

The Board received an updated copy of the Board roster. Minor changes were noted.

- **2000 Meeting Dates/2001 Proposed Meeting Dates**

A copy of the 2000 meeting dates was included in the agenda packet. Noted

The Board deferred action on the 2001 proposed meeting dates to the next meeting.

- **To-Pass Folder**

Information was circulated in the To-Pass Folder and duly noted.

LEGISLATIVE UPDATE

SB 299 and AB 607, Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

Karen Robinson referred to Clete Hansen's Email to Myra Shelton advising that the Board unanimously voted that the two bills that were introduced in the last Legislature should be prepared for introduction in the next Legislature.

The Board received a copy of Clete Hansen's August 10, 2000, memo regarding suggestions from the panel of legislators at the Board Member Workshop about the legislative process. The panel offered a number of excellent suggestions that the Board should keep in mind when it works on its legislative proposals for the next legislative session.

ADMINISTRATIVE RULES UPDATE

Revision of Chapter HFS 132

Karen Robinson reviewed the progress of the revisions.

EXAMINATION ISSUES

Darwin Tichenor addressed the Board in relation to the national exam. He recommended that a one-day workshop be held for the review of questions on the exam for accuracy and relevancy and to write additional questions. Mr. Tichenor asked for volunteers to attend the workshop.

Patricia Schulz, Karen Robinson and David Egan will attend the exam review workshop that will be held December 11, 2000.

BOARD MEMBER ACTIVITY

Karen Robinson reported that she will be attending the Bureau of Quality Assurance Industry meeting and asked for any issues the Board would like raised.

Jerry Schallock suggested the issue be discussed to clarify the position when a surveyor sees actual harm/immediate jeopardy incidents and allows the jeopardy to happen.

The Board discussed administrators self reporting in good faith and ending up being cited with something remote and unrelated, including a fine. It was recommended that this issue be addressed at the BAQ meeting.

The Board also suggested the single-task worker issue be addressed at the meeting.

MEMORANDUM OF AGREEMENT BETWEEN DHFS, DRL, AND THE NHA EXAMINING BOARD REGARDING SUBSTANDARD QUALITY OF CARE

The Board requested that representatives from DHFS meet with the Board at its October 12, 2000, meeting. The Board requested that Debra St. Arnould, DHFS, inform the Board in advance of the next meeting of the concerns with the Memo of Agreement.

BOARD MEMBERS AS EXPERT WITNESSES

The Board discussed William Dusso's July 13, 2000, memo advising that a Board member in the Department should not agree to serve as an expert witness in a judicial matter without first obtaining an opinion from the Ethics Board that the particular case would not result in a violation of the ethics code.

Ruby Jefferson-Moore advised that if there is a question of conflict of interest, that the question be presented to William Dusso, General Counsel or the Ethics Board.

PERSONS DISCIPLINED ON REGISTRY LIST

The Board discussed Donna Cochem's August 3, 2000, memo regarding persons disciplined appearing on the registry list. The memo assured the Board that when a nursing home hires a caregiver, they are required to do the caregiver background check. Information included in that check includes the automated response from DRL on whether or not that individual has a credential that is limited in any way. Ms. Cochems indicated that this is a safeguard for ensuring that nursing home administrators with limited/revoked credentials would not be hired by Wisconsin nursing homes.

The Board's concern was eliminated by the receipt of this information and there is no need to meet with DHFS on this matter.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Report to NAB

The Board reviewed a document prepared by Judy Mender relating to disciplinary action information that is sent to NAB from the Department.

It was recommended that Judy Mender continue to submit a copy of final decisions and orders to NAB.

Long Term Care Curriculum Questionnaire

The Board reviewed the questionnaire sent in response to the George Washington University School of Public Health and Health Services relating to Long Term Care Curriculum. The Board recommended that Judy Mender send a letter of clarification for question #4 explaining that the UW Extension cassette tape series is also accepted.

Brochure Entitled: “Oasis: The Basics”

Noted.

Other

The Board reviewed newspaper articles relating to nursing homes being understaffed and relating to the single-task worker issue during earlier discussion with Secretary Cummings.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Roxann Sobek Miller moved, seconded by Jerry Schallock, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b),(f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss monitoring reports, case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, deliberations on proposed disciplinary matters that may be signed after printing of the agenda, pending applications, examination issues, and disciplinary proceedings. Motion carried by a roll call vote: Patricia Schulz-yes; Robert Mulder-yes; Roxann Miller Sobek-yes; David Egan-yes; Robert Kessler-yes; Jerry Schallock-yes; and Karen Robinson-yes. Motion carried unanimously.

Open Session recessed at 10:51 a.m.

The Board received a copy of the Case Status Report.

The Board deliberated on case closings.

RECONVENE IN OPEN SESSION

MOTION: Patricia Schulz moved, seconded by Roxann Sobek Miller, to reconvene in Open Session at 11:05 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSING

MOTION: David Egan moved, seconded by Robert Mulder, to close 99 NHA 006, for insufficient evidence to prove that a violation of statute has occurred. Motion carried unanimously.

MOTION: Patricia Schulz moved, seconded by Robert Mulder, to close 00 NHA 006, for no violation. Motion carried unanimously.

OTHER ITEMS AS AUTHORIZED BY LAW

Robert Mulder requested that a copy of the Division of Enforcement roster be given to Board members for their convenience in contacting DOE staff regarding case advisor issues.

ADJOURNMENT

MOTION: Roxann Sobek Miller moved, seconded by David Egan, to adjourn the meeting at 11:10 a.m.

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